

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

IN ADMIRALTY

Civil No.: 2:10cv232

ALAKAI (O.N. 1182234), their boilers,  
engines, machinery, masts, spars, rigging,  
boats, anchors, cables, chains, tackle,  
tools, bunkers, pumps and pumping  
equipment, apparel, furniture, fittings and  
equipment, spare parts, and all other  
appurtenances, etc., *in rem*,

Defendant.

SUMMARY JUDGMENT DISBURSING FUNDS

Pursuant to Fed. R. Civ. P. 56, the Court hereby enters summary judgment for Plaintiff United States. This Summary Judgment is entered after consideration of the Motions for Summary Judgment filed by all parties and it is accordingly

ORDERED, ADJUDGED AND DECREED that a genuine issue of material fact remains concerning the subrogated seamen's wage lien in the amount of \$21,025 asserted by Hornblower Marine Services, Inc., so the sum of \$21,025 will be retained by the Maritime Administration in a fictitious account for possible compensation of that lien, and it is further

ORDERED, ADJUDGED AND DECREED that the United States properly asserts a First Preferred Fleet Mortgage in an amount far exceeding the remaining *res* of \$24,627,210.21, that the lien so asserted by the United States takes priority under the law over the liens asserted by

Intervening Plaintiffs Austal USA, LLC, Hornblower Marine Services, Inc., and HMS-Hawaii, Inc., and that it is accordingly

ORDERED, ADJUDGED AND DECREED that \$24,627,210.21 of the remaining \$24,648,235.21 of the proceeds of the Marshal's sale of the defendant Vessel ALAKAI, currently held by the Maritime Administration of the United States Department of Transportation ("MARAD") as a result of their credit bid, is distributed to MARAD in partial compensation of the United States' First Preferred Fleet Mortgage.

DONE at Norfolk, Virginia this \_\_\_\_ day of \_\_\_\_\_, 2010.

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UNITED STATES DISTRICT JUDGE